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CHAMBERS OF
THEODORE H. KATZ
US MAGISTRATE JUDGE

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July 10, 2009

BY HAND DELIVERY

MEMO ENDORSED

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/13/09

The Honorable Theodore H. Katz
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Anwar v. Fairfield Greenwich Group*, 09 CV 0118 (VM)

Anwar et al v. Fairfield Greenwich Limited et al Doc. 185

Dear Judge Katz:

We represent plaintiffs in the *Morning Mist*, *Ferber* and *Pierce* derivative actions,[1] and write in response to Mr. Cunha's letter dated July 9, 2009. We oppose defendants' request to extend the time to respond to the *Morning Mist* plaintiffs' motion to appoint their counsel as Co-Lead Derivative Counsel. That motion was necessitated by the fact, *inter alia*, that the *Anwar* class plaintiffs and defendants had entered into agreements prejudicing the rights of the Derivative Plaintiffs, without the prior knowledge or approval of counsel for the Derivative Plaintiffs.

To the extent that the Court is inclined to grant an extension, we respectfully request that there be a requirement that any interim agreement affecting the derivative actions first be vetted by counsel for the Derivative Plaintiffs.

This appears to be reasonable.

SO ORDERED

7/13/09

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

[1] 09 CV 5012 (VM); 09 CV 2366 (VM); 09 CV 2588 (VM).

Respectfully,

Robert A. Wallner

RAW:jjh

cc: The Honorable Victor Marrero (by hand)
Counsel on Attached Service List (via email)